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December 6, 2005

VIA E-FILING AND HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: STB Finance Docket No. 34795

*Roquette America, Inc. - Petition for Exemption from 49 U.S.C. §10901 to
Construct a New Line of Rail in Keokuk, IA*

Dear Secretary Williams:

I represent Keokuk Junction Railway Co. ("KJRY"), a rail carrier providing switching service to the facilities of Roquette America, Inc. ("Roquette") at Keokuk, IA that are the subject of Roquette's Petition for Exemption in the above captioned matter. Although KJRY intends to respond to the Petition for Exemption as appropriate, at this stage, KJRY is very concerned about whether or not Roquette and the Board are fully complying with the requirements of the National Environmental Policy Act ("NEPA"), in particular the failure of Roquette to file an environmental report as required by the Board's regulations. As such, KJRY respectfully requests the Board to issue an order directing Roquette to file such an environmental report before the Board proceeds with further consideration of the Petition for Exemption.

Following discussion with petitioner's counsel and with the Board's environmental staff, it is clear that Roquette's petition was neither preceded nor accompanied by an environmental report as required by the Board's regulations at 49 C.F.R. §1105.7(a); nor was it preceded by a request that this requirement be waived and there is no record of such a waiver being granted. Accordingly, until such time as Roquette prepares, files, and serves an environmental report consistent with the Board's regulations, the Board should not proceed with the processing of Roquette's construction authority request. *Burlington Northern Railroad Company – Construction And Operation Exemption – Connector Track At Atmore, AL*, Finance Docket Nos. 31650 (Sub-No. 1) and 31651 (Sub-No. 1), 1990 ICC LEXIS 140 (ICC May 9, 1990); *accord*, *Implementation Of Environmental Laws*, Ex Parte No. 55 (Sub-No. 22A), 7 I.C.C. 2d 807; 1991

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ICC LEXIS 242, *13 (ICC July 19, 1991)(ICC noted that the public is best served when the public has the opportunity to comment on both the railroad's environmental report and SEE's recommendations in the separate EA [or EIS] before the Commission issues a further decision addressing any substantive issues raised in the case).

As the above cited cases noted, the preparation and service of an environmental report is an important first step in the NEPA process. Indeed, it is integrally related to the Board's process. For example, as stated in 49 C.F.R. §1105.6(a), a rail construction project, such as the one Roquette proposes, normally requires preparation of an Environmental Impact Statement ("EIS"), although this requirement can be waived under certain circumstances. The filing of an environmental report assists the Board and the public in determining whether or not the Board should conduct an EIS or waive that requirement.

In this case and from what we can determine from the sporadic record in this proceeding, and notwithstanding the fact that no environmental report was prepared and filed in this proceeding, the Board's Section of Environmental Analysis ("SEA") is proceeding with its analysis of whether or not to waive the requirement to perform an EIS or an Environmental Assessment ("EA"). Roquette's failure to submit the required environmental report seriously handicaps the public's ability to fully participate in the NEPA process and to provide comment on whether or not SEA should prepare an EIS or an EA. Indeed, there may be significant environmental concerns associated with the proposed rail construction project, but without the benefit of an environmental report, KJRY and the public have no information on which to provide informed input on such potential environmental concerns.

Of course, in addition to the fundamental concerns on whether or not there has been NEPA compliance here, there are also serious issues concerning the merits of the proposal itself. There are numerous incorrect and misleading statements contained in the Petition for Exemption which KJRY intends to address at the appropriate time. In the meantime, KJRY urges the Board, consistent with NEPA and its precedents, to require Roquette to submit a written environmental (and, if applicable, historic) report before this matter proceeds any further.

Sincerely,



William A. Mullins

cc: Daniel A. LaKemper
Victoria J. Rutson
Counsel for Petitioner
CEQ Chairman Jim Connaughton